

State of Washington  
REPORT OF EXAMINATION  
FOR WATER RIGHT CHANGE

Changed Place of Use

PRIORITY DATE

April 8, 1989

WATER RIGHT NUMBER

G3-28616(B)

MAILING ADDRESS

Public Utility District No.2 Grant County  
PO Box 878  
Ephrata, WA 98823

SITE ADDRESS (IF DIFFERENT)

Total Quantity Authorized for Withdrawal

WITHDRAWAL RATE  
1510

UNITS  
GPM

ANNUAL QUANTITY (AF/YR)  
713.4

Purpose

PURPOSE	WITHDRAWAL RATE		UNITS	ANNUAL QUANTITY (AF/YR)		PERIOD OF USE (mm/dd)
	ADDITIVE	NON- ADDITIVE		ADDITIVE	NON-ADDITIVE	
Municipal Water Supply Purposes	1510		GPM	713.4		continuous

Source Location

COUNTY	WATERBODY	TRIBUTARY TO	WATER RESOURCE INVENTORY AREA
GRANT	GROUNDWATER		41

- 1) 1650 feet south and 15 feet west from the N $\frac{1}{4}$  Corner of Sec. 19; 5330-A - NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- 2) 2500 feet south and 500 feet west from the N $\frac{1}{4}$  Corner of Sec. 19; 370- 371-D-SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- 3) 800 feet south and 150 feet west from the Center of Sec. 19; 6149-A - SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- 4) 1100 feet north and 1100 feet west from the Center of Sec. 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- 5) 550 feet south and 1500 feet west from the Center of Sec. 30; NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; and
- 6) 325 feet south and 250 feet east from the N $\frac{1}{4}$  Corner of Sec. 19; NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$

Place of Use (See Attached Map)

PARCELS (NOT LISTED FOR SERVICE AREAS)

LEGAL DESCRIPTION OF AUTHORIZED PLACE OF USE

Area Served by Crescent Bar Development, within Sections 18, 19 and 30, T. 20 N., R. 23 E.W.M., Grant County

The place of use (POU) of this water right is the service area described in the most recent Water System Plan/Small Water System Management Program approved by the Washington State Department of

Health, so long as the water system is and remains in compliance with the criteria in RCW 90.03.386(2). RCW 90.03.386 may have the effect of revising the place of use of this water right.

#### Proposed Works

6 wells serving municipal water supply purposes for the Crescent Bar Development

#### Development Schedule

BEGIN PROJECT	COMPLETE PROJECT	PUT WATER TO FULL USE
Begun	September 1, 2041	September 1, 2043

#### Measurement of Water Use

How often must water use be measured?	Weekly
How often must water use data be reported to Ecology?	Upon Request by Ecology
What volume should be reported?	Total Annual Volume
What rate should be reported?	Annual Peak Rate of Withdrawal (gpm)

#### Provisions

##### Wells, Well Logs and Well Construction Standards

All wells constructed in the state must meet the construction requirements of WAC 173-160 titled "Minimum Standards for the Construction and Maintenance of Wells" and RCW 18.104 titled "Water Well Construction". Any well which is unusable, abandoned, or whose use has been permanently discontinued, or which is in such disrepair that its continued use is impractical or is an environmental, safety or public health hazard must be decommissioned.

All wells must be tagged with a Department of Ecology unique well identification number. If you have an existing well and it does not have a tag, please contact the well-drilling coordinator at the regional Department of Ecology office issuing this decision. This tag must remain attached to the well. If you are required to submit water measuring reports, reference this tag number.

Installation and maintenance of an access port as described in WAC 173-160- 291(3) is required.

##### Measurements, Monitoring, Metering and Reporting

An approved measuring device must be installed and maintained for each of the sources identified by this water right in accordance with the rule "Requirements for Measuring and Reporting Water Use", WAC 173-173, which describes the requirements for data accuracy, device installation and operation, and information reporting. It also allows a water user to petition the Department of Ecology for modifications to some of the requirements.

##### Department of Health Requirements

Prior to any new construction or alterations of a public water supply system, the State Board of Health rules require public water supply owners to obtain written approval from the Office of Drinking Water of the Washington State Department of Health. Please contact the Office of Drinking Water prior to beginning (or modifying) your project at DOH/Division of Environmental Health, 16201 E. Indiana Avenue, Suite 1500, Spokane Valley, WA 99216, (509) 329-2100.

**Water Use Efficiency**

The water right holder is required to maintain efficient water delivery systems and use of up-to-date water conservation practices consistent with RCW 90.03.005.

**Proof of Appropriation**

The water right holder must file the notice of Proof of Appropriation of water (under which the certificate of water right is issued) when the permanent distribution system has been constructed and the quantity of water required by the project has been put to full beneficial use. The certificate will reflect the extent of the project perfected within the limitations of the water right. Elements of a proof inspection may include, contracting with a Certified Water Rights Examiner, to confirm the source(s), system instantaneous capacity, beneficial use(s), annual quantity, place of use, and satisfaction of provisions.

**Schedule and Inspections**

Department of Ecology personnel, upon presentation of proper credentials, will have access at reasonable times, to the project location, and to inspect at reasonable times, records of water use, wells, diversions, measuring devices and associated distribution systems for compliance with water law.

**Findings of Facts**

Upon reviewing the investigator's report, I find all facts, relevant and material to the subject application, have been thoroughly investigated. Furthermore, I concur with the investigator that a valid right exists; that there will be no impairment of existing rights; that the purpose(s) of use are beneficial; and that there will be no detriment to the public interest.

Therefore, I ORDER approval of Application No. CG3-28616(B), subject to existing rights and the provisions specified above.

**Your Right To Appeal**

You have a right to appeal this Order to the Pollution Control Hearings Board (PCHB) within 30 days of the date of receipt of this Order. The appeal process is governed by Chapter 43.21B RCW and Chapter 371-08 WAC. "Date of receipt" is defined in RCW 43.21B.001(2).

To appeal you must do the following within 30 days of the date of receipt of the Order.

File your appeal and a copy of this Order with the PCHB (see addresses below). Filing means actual receipt by the PCHB during regular business hours.

- Serve a copy of your appeal and this Order on Ecology in paper form - by mail or in person. (See addresses below.) E-mail is not accepted.
- You must also comply with other applicable requirements in Chapter 43.21B RCW and Chapter 371-08 WAC.



Street Addresses	Mailing Addresses
<b>Department of Ecology</b> Attn: Appeals Processing Desk 300 Desmond Drive SE Lacey, WA 98503	<b>Department of Ecology</b> Attn: Appeals Processing Desk PO Box 47608 Olympia, WA 98504-7608
<b>Pollution Control Hearings Board</b> 1111 Israel Road SW Ste 301 Tumwater, WA 98501	<b>Pollution Control Hearings Board</b> PO Box 40903 Olympia, WA 98504-0903

Signed at Spokane, Washington, this 21st day of March, 2016.

  
 Keith L. Stoffel, Section Manager

For additional information visit the Environmental Hearings Office Website: <http://www.eho.wa.gov>. To find laws and agency rules visit the Washington State Legislature Website: <http://www1.leg.wa.gov/CodeReviser>.

## BACKGROUND

An application for change/transfer was submitted on December 8, 2014. The applicant proposes to change the place of use of Ground Water Permit G3-28616(B) to include land adjacent to the river for development of recreational trails, day use facilities and habitat restoration.

The existing place of use is described as the Area served by Crescent Bar Development within Sections 19 and 30, T. 20 N., R. 23 E.W.M. The applicant proposes to change the place of use to include lands within Section 18 adjacent to the river. They propose to expand the development north along the river to include day use facilities, including a trail, picnic tables and development of riparian habitat.

A notice of application was duly published in accordance with RCW 90.03.280 in the Grant County Journal on January 7 and 14, 2016, and no protests were received.

This application is categorically exempt from the provisions of the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW.

## Permits obtained for the proposed expansion

The applicant obtained a Shoreline Substantial Development Permit for the Crescent Bar Recreation Area project. SEPA was conducted and a Mitigated Determination of Nonsignificance was issued October 29, 2010. Hydraulic Project Approval was issued by the Washington State Department of Fish and Wildlife on July 9, 2013. The U.S. Army Corps of Engineers Permit was issued September 17, 2015.

**Attributes of Ground Water Permit No. G3-28616(B)**

Priority Date:	April 18, 1989
Instantaneous Quantity – Q(i):	1510 gallons per minute
Annual Quantity – Q(a):	713.4 acre-feet per year
Source:	6 wells
Point(s) of withdrawal:	Sections 19 and 30, T. 20 N., R. 23 E.W.M.
Purpose of Use:	Municipal Water Supply Purposes

**Evaluation of the Water Right and Beneficial Use Analysis:**

The Washington State Supreme Court, in *Okanogan Wilderness v. Town of Twisp and Department of Ecology*, 133 Wn.2d 769, 947 P.2d 732 (1997), found that applications for change may be granted only to the extent the water has been historically put to beneficial use, as beneficial use determines the measure of a water right. They also found that the existence and quantification of a water right must be determined, including whether or not the water right has been lost for non-use before the Department can approve a change or transfer of the water right.

Ground Water Permit G3-28616(B) is for municipal water supply purposes and is in good standing.

**Hydrologic/Hydrogeologic Evaluation**

Applications for change of water right permits and certificates are governed by RCW 90.44.100, which states in part that: the holder of a valid right to withdraw public ground waters may, without losing his priority of right, construct wells at a new location in substitution for, or in addition to, those at the original location, or he may change the manner or the place of use of the water. Such amendment shall be issued by the Department only on the conditions that; (1) the additional or substitute well or wells shall tap the same body of public ground water as the original well or wells; (2) use of the original well or wells shall be discontinued upon construction of the substitute well or wells; (3) the construction of an additional well or wells shall not enlarge the right conveyed by the original permit or certificate; and (4) other existing rights shall not be impaired. The Department may specify an approved manner of construction and shall require a showing of compliance with the terms of the amendment.

Since this application does not request a new well, a determination of the same body of public ground water is not required.

**Impairment Considerations**

“Impair” or “impairment” means to 1) adversely impact the physical availability of water for a beneficial use that is entitled to protection and/or 2) to prevent the beneficial use of the water to which one is entitled, and/or 3) to adversely affect the flow of a surface water course at a time when the flows are at or below instream flow levels established by rule (POL-1200); and/or 4) degrade the quality of the source to the point that water is unsuitable for use by existing water right holders (WAC 173-150). Demonstration of impairment would require evidence of a substantial and lasting or frequent impact reflecting such conditions.

The proposed change in the place of use will not enlarge the quantity of water identified above. The change in place of use will not cause impairment to existing rights.

## Public Interest Considerations

There has been no public expression of protest or concern regarding the subject proposal, no findings through this investigation indicate that there would be detrimental impact to the public welfare through issuance of the proposed change.

## CONCLUSIONS

It is the conclusion of this examiner that, in accordance with Chapters 90.03 and 90.44 RCW, a valid right exists. This application for change to change the place of use will not enlarge the quantity of water identified, nor will it impair existing rights or be detrimental to the public welfare provided the terms and conditions are followed.

## RECOMMENDATIONS

Based on the above investigation and conclusions, I recommend that the request for change to Ground Water Permit G3-28616(B) be approved in the amounts and within the limitations listed below and subject to the provisions.

## Purpose of Use and Authorized Quantities

The amount of water recommended is a maximum limit and the water user may only use that amount of water within the specified limit that is reasonable and beneficial.

- 1510 gpm
- 713.4 acre-feet per year
- Municipal Water Supply Purposes

## Point of Withdrawal

- 1) 1650 feet south and 15 feet west from the N $\frac{1}{4}$  Corner of Sec. 19; 5330-A - NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- 2) 2500 feet south and 500 feet west from the N $\frac{1}{4}$  Corner of Sec. 19; 370- 371-D-SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- 3) 800 feet south and 150 feet west from the Center of Sec. 19; 6149-A - SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;
- 4) 1100 feet north and 1100 feet west from the Center of Sec. 30; NW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ ;
- 5) 550 feet south and 1500 feet west from the Center of Sec. 30; NE $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ; and
- 6) 325 feet south and 250 feet east from the N $\frac{1}{4}$  Corner of Sec. 19; NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$

## Place of Use

Area Served by Crescent Bar Development, within Sections 18, 19 and 30, T. 20 N., R. 23 E.W.M., Grant County, WA

Report by: \_\_\_\_\_  
Kevin Brown

*Kevin Brown*

\_\_\_\_\_  
Date

*3/21/16*





0 660 1,320 2,640 3,960 5,280 Feet  
 Basemap - (NAIP 2015 Air Photo)



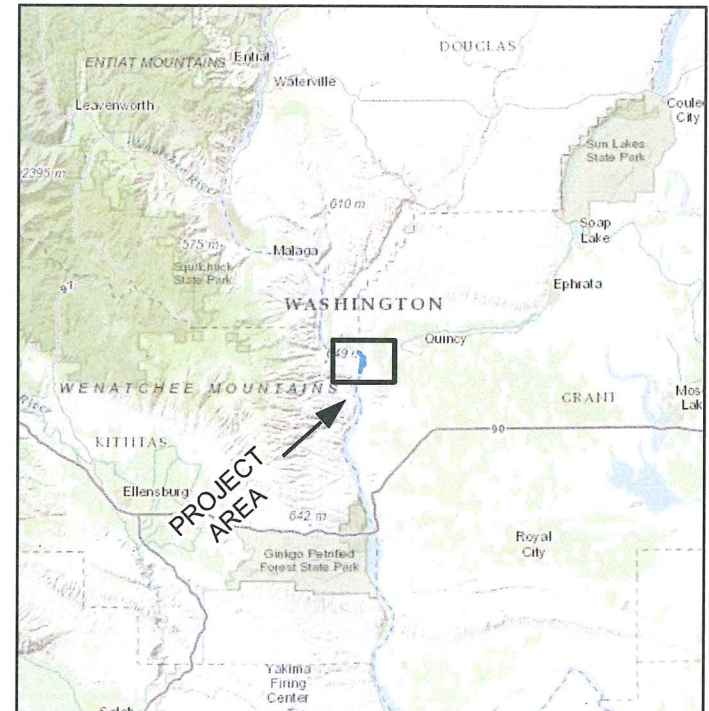
Map Date: 3/18/2016



**Comment:**

Place of use and source locations are as defined within the Report of Examination cover sheet for the document identified in the header above.

Public Utility District No.2 Grant County  
 G3-28616(B)  
 T20N/R23E



Basemap - (ESRI US Topographic Maps)

**Legend**



Authorized Place of Use



Townships



Sections

● Authorized Point of Withdrawal

(Source locations may vary in their accuracy and precision as stated within the body of the report.)